INSURED PERSONS AND CONTRIBUTIONS

1959 No. 847

The National Insurance (Contributions) Amendment Regulations, 1959

Made - - - -	11*th May*, 1959
Laid before Parliament	14*th May*, 1959
Coming into Operation	25*th May*, 1959

The Minister of Pensions and National Insurance, in conjunction with the Treasury, in exercise of powers conferred by sections 2 (5), 5 (1) and 8 (1) of the National Insurance Act, 1946(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Contributions) Amendment Regulations, 1959, shall be read as one with the National Insurance (Contributions) Regulations, 1948(**b**), as amended(**c**), (hereinafter referred to as "the principal regulations") and shall come into operation on the 25th May, 1959.

Amendment of regulation 1 *of the principal regulations*

2. In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation) the following definitions shall be inserted immediately after the definitions of "personal benefit", "Personal Injuries Scheme", "Service Pensions Instrument" and "1914–1918 War Injuries Scheme"(**d**):—

"'employment exchange' includes any office or place appointed by the Minister for the purpose of claiming unemployment benefit;

'week' means contribution week."

Amendment of regulation 2 *of the principal regulations*

3. In regulation 2 of the principal regulations (which relates to exception and credits for weeks of unemployment) the following words shall be substituted for the words "Subject to the provisions of paragraphs (1), (3) and (4) of regulation 4":—

"Subject to the provisions of paragraphs (1), (3), (3A), (4) and (5) of regulation 4 and paragraph (2) of regulation 11".

Amendment of regulation 3 *of the principal regulations*

4. In paragraph (1) of regulation 3 of the principal regulations (which relates to exception and credits for weeks of incapacity for work) immediately after the words "Subject to the provisions of paragraph (2) of this regulation" the following words shall be substituted for the words "and paragraphs (2), (3) and (4) of regulation 4":—

"paragraphs (2), (3), (4) and (5) of regulation 4 and paragraph (1) of regulation 11".

(**a**) 9 & 10 Geo. 6. c. 67.
(**b**) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).
(**c**) The relevant amending regulations are S.I. 1952/1393, 1953/495, 1954/189, reg 20, 1957/1299, 2176 (1952 II, p. 2140; 1953 I, p. 1371; 1954 I, p. 1387; 1957 I, pp. 1635, 1642).
(**d**) *See* S.I. 1957/2176 (1957 I, p. 1642), reg. 2.

Amendment of regulation 4 of the principal regulations

5.—(1) Regulation 4(**a**) of the principal regulations (which contains provisions determining days of unemployment or incapacity for work for the purposes of regulations 2 and 3 of those regulations) shall be amended in accordance with the following paragraphs of this regulation and shall accordingly have effect as set out in Part I of the Schedule hereto.

(2) In sub-paragraph (*a*) of paragraph (3) of the said regulation 4 the following proviso shall be substituted for the existing proviso:—

"Provided that—

(i) subject to the provisions of head (ii) of this proviso any day which is treated under any such regulations as not being a day of unemployment by reason only of the provisions of head (i) of sub-paragraph (*e*) of paragraph (1) of regulation 6 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(**b**) (which relates to days on which a person is on holiday), shall be a day of unemployment for the purposes of this regulation if it is a day of recognised or customary holiday in connection with that person's employment in a week which contains not more than three days of such holiday, and is a day in a period during which that employment is suspended, unless it is a day in respect of which remuneration is deemed to be paid under the provisions of regulation 11 of the National Insurance and Industrial Injuries (Collection of Contributions) Regulations, 1948(**c**) (which relates to the payment of contributions in respect of weeks of holiday); and

(ii) no day in any week shall fail to be a day of unemployment by reason that a person receives or is entitled to receive any remuneration which is, or which if his employment had not terminated would have been, deemed not to be remuneration paid in respect of any day in that week under the provisions of regulation 10A of the last-mentioned regulations(**d**) (which relates to the payment of contributions in respect of weeks in respect of which no services are rendered and remuneration does not exceed forty shillings); and

(iii) any Sunday which is treated under any such regulations as not being a day of unemployment by reason only of the provisions of head (ii) of the said sub-paragraph (*e*) (which relates to days on which a person is a person who has been employed to the full extent normal in his case) shall be a day of unemployment for the purposes of this regulation if any day in the week in which that Sunday occurs will thereby fall to be treated as a day of unemployment by virtue of head (i) of the proviso to paragraph (5) of this regulation."

(3) For head (i) of sub-paragraph (*b*) of the said paragraph (3) the following words shall be substituted:—

"(i) by reason of the provisions of subsection (1) of section 13 of the Act is, or by reason of the provisions of subsections (2) or (3) thereof or of any regulations(**e**) made thereunder is or would if he had otherwise had a right thereto have been, disqualified for receiving either unemployment benefit or sickness benefit; or".

(**a**) *See* S.I. 1957/2176 (1957 I, p. 1642), Sch. Pt. I.
(**b**) S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676).
(**c**) S.I. 1948/1274 (Rev. XVI, p. 148: 1948 I, p. 3037), as amended by S.I. 1959/207 (Pt. II, p. 1893, of this vol.), reg. 3. (**d**) *See* S.I. 1959/207 (Pt. II, p. 1893, of this vol.), reg. 2.
(**e**) *See* S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676), reg. 10.

(4) Immediately after paragraph (4) of the said regulation 4 the following paragraph shall be added :—

" (5) For the purposes of regulation 2 and regulation 3 where under the foregoing provisions of this regulation any week would be a week of unemployment or a week of incapacity in respect of any person if the Sunday occurring in that week were a day of unemployment or a day of incapacity for work, as the case may be, that Sunday shall be treated as such a day unless on it that person does any work as an employed or self-employed person other than such work as is referred to in sub-paragraph (iii) of paragraph (*d*) of regulation 10 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(**a**) (which relates to work undertaken as part of a patient's treatment):

Provided that—

(i) in the case of any person who objects on religious grounds to working on a specific day in each week other than Sunday and does not so object to working on Sunday the said day shall be substituted for Sunday for the purposes of the foregoing provisions of this paragraph ; and

(ii) no day in any week shall be treated by virtue of the provisions of this paragraph as a day of incapacity for work unless some other day in that week is or but for the provisions of paragraph (4) of this regulation would be such a day."

Amendment of regulation 5 *of the principal regulations*

6. In sub-paragraph (*b*) of paragraph (2) of regulation 5(**b**) of the principal regulations (which defines " unemployability supplement " for the purposes of that regulation) the following words shall be substituted for the words " as defined in paragraph (2) of regulation 1 of the National Insurance (Overlapping Benefits) Regulations, 1948 ":—

" Personal Injuries Scheme or 1914-1918 War Injuries Scheme ".

Amendment of regulation 6 *of the principal regulations*

7. For sub-paragraph (*b*) of paragraph (1) of regulation 6 of the principal regulations the following sub-paragraph shall be substituted :—

" (*b*) whether or not any such certificate is in operation if she is a non-employed person she shall be excepted from liability but shall nevertheless be entitled to pay contributions as a non-employed person."

Amendment of regulation 6A *of the principal regulations*

8.—(1) Regulation 6A(**c**) of the principal regulations (which relates to exception and credits for certain widows) shall be amended in accordance with the following paragraph of this regulation and shall accordingly have effect as set out in Part II of the Schedule hereto.

(2) In paragraph (1) of the said regulation 6A the following words shall be substituted for the words " personal benefit by way of a widow's pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme is payable to her " :—

" any of the specified benefits as defined in paragraph (4) of regulation 2(**d**) of the National Insurance (Overlapping Benefits) Regulations, 1948, is payable to her as a widow ".

(**a**) S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676).
(**b**) *See* S.I. 1957/1299 (1957 I, p. 1635), Sch Pt. II.
(**c**) *See* S.I. 1957/2176 (1957 I, p. 1642), reg. 4.
(**d**) *See* S.I. 1952/526 (1952 II, p. 2196), Sch. Pt. I.

Amendment of regulation 8 of the principal regulations

9. In paragraph (1) of regulation 8(**a**) of the principal regulations (which relates to exception and credits for weeks of confinement and succeeding weeks) immediately after the words " three succeeding weeks, and " there shall be inserted the words " subject to the provisions of paragraph (1) of regulation 11 ".

Amendment of regulation 11 of the principal regulations

10. For regulation 11(**b**) of the principal regulations the following regulation shall be substituted:—

" *Conditions for the crediting of contributions*

11.—(1) It shall be a condition of a person's right to be credited with a contribution for any week under the provisions of regulation 3 or regulation 8 that he shall furnish to the Minister notice in writing of the grounds on which a contribution should be so credited before the end of the benefit year immediately following the contribution year in which the week in question falls, or within such longer period as the Minister may in a particular case allow:

Provided that where in respect of any week a person has claimed sickness benefit such claim shall be sufficient notice in respect of that week for the purposes of regulation 3 and where a person has claimed maternity benefit such claim shall be sufficient notice for the purposes of regulation 8.

(2) It shall be a condition of a person's right to be credited with a contribution for any week under the provisions of regulation 2 that he shall attend at an employment exchange on every working day in that week for which he does not claim unemployment benefit and, if directed to do so, shall sign a register kept there for that purpose and that he shall so attend at such time, if any, as the Minister may direct:

Provided that—

(*a*) a person shall—

(i) if he resides at a distance of more than two miles and not more than four miles from the employment exchange nearest or most convenient to his place of residence be required to attend only on alternate days ; or

(ii) if he resides at a distance of more than four miles from such employment exchange be required to attend on only one day in the week ;

(*b*) the Minister may in any case—

(i) dispense with the foregoing requirements of this paragraph ; or

(ii) vary the said requirements by permitting any person to attend at longer intervals ; and

(iii) impose the further or alternative requirement upon any person that he furnish within a specified time such evidence or such further evidence as the Minister may direct that any day or days for which he has not claimed unemployment benefit was a day or were days of unemployment for the purposes of regulation 2.

(3) " Working day " for the purposes of paragraph (2) of this regulation means every day other than—

(*a*) Sunday ; and

(**a**) *See* S.I. 1954/189 (1954 I, p. 1387), Sch. Pt. VI.
(**b**) *See* S.I. 1957/1299 (1957 I, p. 1635), reg. 7.

(*b*) any day which in the case of any person falls to be treated as a day of unemployment by virtue of head (i) of the proviso to paragraph (5) of regulation 4; and

(*c*) any day upon which a person is incapable of work but is treated as unemployed by virtue of paragraph (4) of regulation 4."

Amendment of regulation 19 of the principal regulations

11.—(1) For head (ii) of sub-paragraph (*a*) of paragraph (3) of regulation 19 of the principal regulations the following words shall be substituted:—

"(ii) in the case of any such conviction as is mentioned in paragraph (1) of this regulation, of the failure on his part to pay on behalf or in respect of any other person employed by him any contributions under the Act or under the Industrial Injuries Act on that date or during those two years; and".

(2) For paragraph (6) of the said regulation 19 the following paragraph shall be substituted:—

"(6) Any sum paid under the foregoing provisions of this regulation shall be treated as a payment in satisfaction of the unpaid contributions and no part of any such sum paid by an employer shall be recoverable by him from the insured person in respect of whom it is paid."

Revocation of provisional regulations

12. The National Insurance (Contributions) Amendment Provisional Regulations, 1959(a), are hereby revoked but this revocation shall not affect the previous operation thereof, or anything duly done or suffered or any right, privilege, obligation or liability acquired, accrued, or incurred thereunder.

Dated this Eighth day of May, 1959.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

Dated this Eleventh day of May, 1959.

Martin Redmayne,
Michael Hughes-Young,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I — Regulation 5

CONTAINING REGULATION 4 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Provisions determining days of unemployment or incapacity for work

4.—(1) For the purposes of regulation 2 (which relates to unemployment) and subject to the provisions of this regulation, a day shall not be a day of unemployment unless on that day the person concerned is capable of work and is, or is deemed in accordance with any regulations made under sub-paragraph (i) of

(a) S.I. 1959/373.

* The words added or substituted by these regulations (including those originally added or substituted by S.I. 1959/373) are shown in italics.

paragraph (*a*) of subsection (2) of section 11 of the Act (which sub-paragraph relates to days which may be treated as days of unemployment) to be, available for employment in an employed contributor's employment.

(2) For the purposes of regulation 3 (which relates to incapacity for work), the following provisions shall apply:—

(*a*) A day shall not be a day of incapacity for work unless on that day the person concerned is, or is deemed in accordance with any regulations made under sub-paragraph (ii) of the said paragraph (*a*) (which sub-paragraph relates to days which may be treated as days of incapacity for work) to be, incapable of work by reason of some specific disease or bodily or mental disablement.

(*b*) Any period in respect of which a person is, under subsection (1) of section 32 of the Industrial Injuries Act, disqualified for receiving industrial injury benefit, or in respect of which a forfeiture of such benefit is operative by reason of regulations made under subsection (2) of the said section (other than a forfeiture for failure to make a claim for benefit within the prescribed time), shall not be a period of incapacity for work.

(3) For the purposes of regulation 2 and regulation 3 and subject to the provisions of this regulation the following provisions shall apply:—

(*a*) A day which is, in accordance with any regulations made under subsection (3) of the said section 11 (which subsection relates to days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work) treated for the purposes of unemployment benefit and sickness benefit as a day of unemployment or incapacity for work shall be a day of unemployment or incapacity for work, as the case may require, for the purposes of this regulation, but any day which under any such regulations is treated as not being such a day shall not be a day of unemployment or incapacity for work for those purposes:

Provided that—

(i) *Subject to the provisions of head (ii) of this proviso* any day which is treated under any such regulations as not being a day of unemployment by reason only of *the provisions of head (i) of sub-paragraph (e) of paragraph* (1) *of regulation* 6 *of the National Insurance (Unemployment and Sickness Benefit) Regulations,* 1948 (*which relates to days* on which a person is on holiday), shall be a day of unemployment for the purposes of this regulation if it is a day of recognised or customary holiday in connection with that person's employment in a week which contains not more than three days of such holiday, and is a day in a period during which that employment is suspended, *unless it is a day in respect of which remuneration is deemed to be paid under the provisions of regulation* 11 *of the National Insurance and Industrial Injuries (Collection of Contributions) Regulations,* 1948 (*which relates to the payment of contributions in respect of weeks of holiday*); *and*

(ii) *no day in any week shall fail to be a day of unemployment by reason that a person receives or is entitled to receive any remuneration which is, or which if his employment had not terminated would have been, deemed not to be remuneration paid in respect of any day in that week under the provisions of regulation* 10*A of the last mentioned regulations* (*which relates to the payment of contributions in respect of weeks in respect of which no services are rendered and remuneration does not exceed forty shillings*); *and*

(iii) *any Sunday which is treated under any such regulations as not being a day of unemployment by reason only of the provisions of head (ii) of the said sub-paragraph (e) (which relates to days on which a person is a person who has been employed to the full extent normal in his case) shall be a day of unemployment for the purposes of this regulation if any day in the week in which that Sunday occurs will thereby fall*

to be treated as a day of unemployment by virtue of head (i) of the proviso to paragraph (5) of this regulation.

(*aa*) Any period which would in respect of any person be a period of unemployment or incapacity for work by virtue of the provisions of this regulation but for the provisions of section 28 of the Act (which relates to claims and notices) and regulations made thereunder, shall be treated as a period of unemployment or incapacity for work, as the case may be.

(*b*) Any period in respect of which a person—

(i) *by reason of the provisions of subsection* (1) *of section* 13 *of the Act is, or by reason of the provisions of subsections* (2) *or* (3) *thereof or of any regulations made thereunder is or would if he had otherwise had a right thereto have been,* disqualified for receiving either unemployment benefit or sickness benefit; or

(ii) is unable to satisfy any additional conditions with respect to the receipt of unemployment benefit or sickness benefit imposed in his case by regulations made under subsection (4) of the said section 13, other than the National Insurance (Married Women) Regulations, 1948;

shall not be a period of unemployment or incapacity for work, as the case may be.

(*c*) Any period in respect of which a person is disqualified for receiving unemployment benefit or sickness benefit by reason of the provisions of paragraph (*a*) of subsection (1) of section 29 of the Act (which paragraph relates to disqualification for benefit by reason of being absent from Great Britain) shall not be a period of unemployment or incapacity for work, as the case may be.

(3A) For the purposes of the application of regulation 2 of these regulations to any person in respect of a week in which he is occupied in employment on any day, such occupation in employment shall be disregarded and that day shall not by reason only of that occupation be treated as not being a day of unemployment if—

(*a*) the employment is one in which that person, being available for full time employment in some employed contributor's employment, is occupied on any day or days in that week for not more than eight hours in the aggregate (including any occupation in an employment which by virtue of Part III of the First Schedule to the National Insurance (Classification) Regulations, 1948, as amended or, being employment in Her Majesty's Forces, by virtue of regulation 3 of the National Insurance (Members of the Forces) Regulations, 1949, is to be disregarded) and that occupation is consistent with and different in nature from the full time employment for which he is so available; or

(*b*) the employment (not being employment which falls within sub-paragraph (*a*) of this paragraph) is one in respect of which, by virtue of paragraph 10 of Part II of the First Schedule to the said National Insurance (Classification) Regulations, 1948 (which paragraph relates to employment by one employer in a week in which a person renders part time services in that employment) he is treated as a self-employed person or would be so treated but for Part III of the said First Schedule and in which he is occupied on one day only in that week:

Provided that, where in the same week a person is occupied in employment which falls within sub-paragraph (*a*) and in employment which falls within sub-paragraph (*b*) of this paragraph, the provisions of this paragraph shall not apply to that person's case in that week if he is occupied in such employments for more than eight hours in the aggregate in that week.

(4) For the purposes of regulation 2 and regulation 3, where in any week a person is for part of that week unemployed and for the remainder of that week incapable of work, he shall be treated as if unemployed for the whole of that week, if Condition I or Condition II of the Schedule to these regulations has been satisfied, and, if neither of those Conditions has been satisfied but Condition

III or Condition IV of that Schedule has been satisfied, he shall be treated as if incapable of work for the whole of that week, and the said regulations shall be construed accordingly:

Provided that for the purposes only of this paragraph a person shall not in respect of any week be treated as being unemployed on any day or days by virtue of paragraph (3A) of this regulation unless—

(i) Condition I or Condition II of the Schedule to these regulations has been satisfied, and

(ii) in respect of any day to which sub-paragraph (*b*) of the said paragraph (3A) applies, he is unemployed on at least one other day in that week.

(5) *For the purposes of regulation* 2 *and regulation* 3 *where under the foregoing provisions of this regulation any week would be a week of unemployment or a week of incapacity in respect of any person if the Sunday occurring in that week were a day of unemployment or a day of incapacity for work, as the case may be, that Sunday shall be treated as such a day unless on it that person does any work as an employed or self-employed person other than such work as is referred to in sub-paragraph (iii) of paragraph (d) of regulation* 10 *of the National Insurance (Unemployment and Sickness Benefit) Regulations,* 1948 *(which relates to work undertaken as part of a patient's treatment):*

Provided that—

(i) *in the case of any person who objects on religious grounds to working on a specific day in each week other than Sunday and does not so object to working on Sunday the said day shall be substituted for Sunday for the purposes of the foregoing provisions of this paragraph; and*

(ii) *no day in any week shall be treated by virtue of the provisions of this paragraph as a day of incapacity for work unless some other day in that week is or but for the provisions of paragraph* (4) *of this regulation would be such a day.*

PART II Regulation 8

CONTAINING REGULATION 6A OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Persons in receipt of certain widows' benefits

6A.—(1) A woman shall be excepted from liability to pay a contribution under the Act in respect of any week for which *any of the specified benefits as defined in paragraph* (4) *of regulation* 2 *of the National Insurance (Overlapping Benefits) Regulations,* 1948, *is payable to her as a widow* at a weekly rate which is equal to or exceeds the weekly rate of widow's pension under the Act which is specified in the second column of Part I of the Second Schedule thereto if she has made application to the Minister for a certificate of exception from such liability under this regulation and such a certificate has been issued and is in operation for the whole of that week:

Provided that—

(i) she may give notice to the Minister at any time during the operation of the certificate that she desires the certificate to be cancelled and, if such notice is given, the certificate shall cease to be in operation from such date as the Minister may determine;

(ii) she shall produce forthwith to her employer any such certificate of exception issued to her and that, if she exercises the foregoing right to cancel such a certificate, she shall surrender her certificate at the time of the cancellation and forthwith notify her employer of the cancellation;

* The words added or substituted by these regulations are shown in italics.

(iii) if immediately before the death of her husband occurring on or after the date of coming into operation of this regulation she was an employed person who had elected not to be liable to pay or was a self-employed person or non-employed person who had not elected to be liable to pay, contributions as an employed person, self-employed person or non-employed person as the case may be, such application shall be deemed to have been made and granted unless she notifies the Minister to the contrary.

(2) A contribution as a non-employed person shall be credited to a woman, if and when she remarries, for every week in respect of which she was excepted from liability in accordance with the foregoing paragraph of this regulation.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the National Insurance (Contributions) Regulations, 1948. They revoke and replace the National Insurance (Contributions) Amendment Provisional Regulations, 1959.

Regulation 5 provides, for the purposes of exception and credits for weeks of unemployment or incapacity for work, that Sunday (or any other sabbath day which a person may observe) is to be disregarded, in the sense that it is not to prevent a week from being a week of unemployment or incapacity, unless the person concerned works on that day as an employed or self-employed person and that, as recommended by the National Insurance Advisory Committee in their Report on the Question of Contribution Conditions and Credits Provisions (Cmd. 9854), certain disqualifications which would have applied on a claim to benefit are to apply. It further provides, for the purposes of exception and credits for weeks of unemployment, that holiday payments which are deemed to be remuneration for the purposes of liability to pay contributions shall prevent a day from being a day of unemployment but that holiday payments which are not deemed to be remuneration for the latter purposes shall not prevent a day from being a day of unemployment; also that Sunday is to be treated as a day of unemployment notwithstanding a person's subsequent employment to the full extent normal in his case if some other sabbath day has been substituted for that Sunday as the disregarded day.

Regulation 10 makes it a condition of a person's right to be credited with contributions for weeks of unemployment that he shall attend at an employment exchange on days for which he does not claim benefit, as persons claiming benefit are required to do, and shall if the Minister so directs furnish other evidence that those days were days of unemployment.

Consequential amendments are made by Regulations 2 to 4. The remaining Regulations make a number of other minor amendments.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 3rd April, 1959, is contained in the House of Commons Paper No. 192 (Session 1958-59) published by Her Majesty's Stationery Office.